

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
NORTHEASTERN DIVISION**

TIMOTHY MIMS,)	
)	
Plaintiff,)	
)	
v.)	Case No. 5:19-cv-2045-RDP-GMB
)	
CORDARO MELTON, <i>et al.</i> ,)	
)	
Defendants.)	


MEMORANDUM OPINION AND ORDER

Plaintiff Timothy Mims filed a *pro se* amended complaint alleging violations of his rights under the Constitution or law of the United States pursuant to 42 U.S.C. § 1983. (Doc. 29). On August 9, 2021, the Magistrate Judge entered a Report and Recommendation recommending Defendants' motion for summary judgment be granted in part and denied in part. (Doc. 54). Specifically, the Magistrate Judge recommended that summary judgment be granted on Mims' Eighth Amendment claims for failure to protect and intervene against both Defendants Melton and Hutton but denied on Mims' Eighth Amendment claim of excessive force against Defendant Melton. (*Id.*). Although the parties were advised of their right to file specific written objections within 14 days, no objections have been received by the court.

Having carefully reviewed and considered *de novo* all the materials in the court file, including the Report and Recommendation, the court **ADOPTS** the Magistrate Judge's Report and **ACCEPTS** his Recommendation. Because there are no genuine issues of material fact and Defendants are entitled to judgment as a matter of law, the court **ORDERS** that summary judgment is **GRANTED** on Mims' Eighth Amendment claims for failure to protect and intervene against both Defendants. However, summary judgment is **DENIED** on Mims' Eighth

Amendment excessive force claim against Defendant Melton. This matter is **REFERRED** to the Magistrate Judge for further proceedings.

DONE and **ORDERED** this September 2, 2021.



R. DAVID PROCTOR
UNITED STATES DISTRICT JUDGE